

## Message Text

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TO AMEMBASSY ANKARA IMMEDIATE

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S E C R E T STATE 008002

E.O. 11652: GDS

TAGS: MARR, TU

SUBJECT: NATO/SOFA EXTENSION

REFS: (A) ANKARA 8896; (B) ANKARA 9641; (C) SECDEF 8020,

222100Z JUL 71

1. CHAIRMAN ASULA'S COMMENTS REGARDING THE NATO/SOFA  
EXTENSION AS REPORTED BY REF A CONSTITUTE A SHARP DEPAR-  
TURE FROM EARLIER TURKISH POSITION ON THIS MATTER AND, AS  
YOU HAVE SURMISED, MAY INDICATE A BASIC MISUNDERSTANDING  
ON HIS PART OF THE ISSUES INVOLVED. IN YOUR EFFORTS TO  
EDUCATE HIM, YOU SHOULD EMPHASIZE THAT THE NATO/SOFA EX-

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TENSION AGREEMENT OF 1954 MERELY CLARIFIES THE BASIC

NATO/SOFA IN ITS APPLICATION TO TURKEY. CONTRARY TO ASULA'S CONTENTION, THE NATO/SOFA EXTENSION AGREEMENT IS NOT A VEHICLE FOR THE US TO OBTAIN PRIVILEGES NOT CONTEMPLATED BY THE NATO/SOFA AND WHICH WE DO NOT HAVE WITH OUR OTHER NATO PARTNERS.

2. IN OUR VIEW, THE NATO/SOFA EXTENSION AGREEMENT OF 1954 DOES NOT REQUIRE MODIFICATION OR CONVERSION TO AN IMPLEMENTING AGREEMENT FORMAT. YOU SHOULD THEREFORE CONTINUE TO PRESS UPON THE TURKS THE PRACTICALITY OF A SIMPLE EXCHANGE OF NOTES INDICATING THAT THE PARTIES HAVE REVIEWED THE AGREEMENT IN ACCORDANCE WITH DCA ARTICLE XXII (4) AND HAVE AGREED THAT IT BE CONTINUED IN FORCE WITHOUT MODIFICATION.

3. AN EXCHANGE OF NOTES COVERING ALL PROVISIONS OF THE 1954 AGREEMENT EXCEPT THOSE THAT ARE NO LONGER NECESSARY, AND TERMINATING THE 1954 AGREEMENT, ALONG THE LINES OF EMBASSY'S DRAFT NOTE SET OUT IN REF B, IS AN ACCEPTABLE ALTERNATIVE. IN THIS CONNECTION WE NOTE THAT IN THE EARLIER MILITARY-LEVEL NEGOTIATIONS ADDRESSED IN REF C, CERTAIN PROVISIONS IN PARA 6 OF THE 1954 AGREEMENT WERE RECOGNIZED AS NONESSENTIAL IN VIEW OF THE THEN CURRENT TURKISH PRACTICES. WE ASSUME THAT THE DELETION OF PARA 6 IN ITS ENTIRETY FROM THE DRAFT NOTE REFLECTS COUNTRY TEAM'S CONCLUSION THAT NONE OF ITS PROVISIONS ARE REQUIRED. IF THAT IS THE CASE WE ACCEPT THE DELETION OF PARA 6. AS EMBASSY POINTS OUT, THE CONTRACTOR PROVISIONS OF PARA 7 OF THE 1954 AGREEMENT ARE NOW CONTAINED IN THE AGREED MINUTE TO DCA ARTICLE IV, PARA 1, AND WE THEREFORE ACCEPT THEIR DELETION IN THE DRAFT NOTE. HOWEVER, IN VIEW OF THE RECENT TURKISH POSITION QUESTIONING THE VALIDITY OF AGREED MINUTES TO THE DCA, WE WOULD REQUIRE EXPRESS TURKISH RECOGNITION OF THE CONTINUED VALIDITY OF THE SAME RIGHTS CONFERRED IN THE AGREED MINUTE.

4. THE TEXT OF THE INTRODUCTORY PARAGRAPH OF THE DRAFT NOTE SHOULD BE AMENDED TO DELETE THE WORD QTE PRACTICES UNQTE SUBSTITUTING THE WORD QTE PROVISIONS UNQTE THEREFOR, AND TO INSERT THE WORDS QTE IN FULL FORCE AND EFFECT UNQTE BETWEEN THE WORDS QTE CONTINUE UNQTE AND QTE AFTER UNQTE.

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THE CLOSING PARAGRAPH SHOULD BE SIMILARLY AMENDED BY SUBSTITUTING THE WORD QTE PROVISIONS UNQTE FOR THE WORD QTE PRACTICES UNQTE, AND SUBSTITUTING THE WORDS QTE THIS AGREEMENT UNQTE FOR THE WORDS QTE THE TERMINATION UNQTE. THE FOLLOWING SENTENCE SHOULD ALSO BE ADDED TO THE CLOSING PARAGRAPH:QTE THIS UNDERSTANDING SHALL REMAIN IN EFFECT FOR THE DURATION OF THE NORTH ATLANTIC TREATY, UNLESS TERMINATED SOONER BY AGREEMENT OF THE PARTIES UNQTE. WITH

THESE CHANGES, THE DRAFT NOTE MAY BE PRESENTED TO THE TURKISH DELEGATION AT YOUR NEXT MEETING, IF APPROACH SET FORTH IN PARA 2 ABOVE IS UNACCEPTABLE TO THE GOVERNMENT OF TURKEY.

5. WE HOPE THAT RECASTING THE 1954 AGREEMENT INTO AN IA CAN BE AVOIDED. THE PROVISIONS IMPLEMENT NATO/SOFA, NOT THE DCA, AND AN IA FORMAT IS CONSIDERED INAPPROPRIATE.

6. WE WOULD APPRECIATE ANY AMPLIFYING INFORMATION YOU MAY ACQUIRE REGARDING CHAIRMAN ASULA'S OBJECTIONS TO SPECIFIC PROVISIONS OF THE NATO/SOFA EXTENSION AGREEMENT. WE ARE PARTICULARLY INTERESTED IN THE RATIONALE FOR HIS ASSERTION THAT THE WAIVER OF COUNTERSIGNATURES ON MOVEMENT ORDERS, AND THE PROVISION OF TRIAL OBSERVERS, CAN NO LONGER BE

GRANTED UNDER TURKISH LAW. HOWEVER, WE RECOGNIZE THE NEED TO AVOID FORCING THE ISSUE PREMATURELY IF DOING SO WOULD HARDEN ASULA'S POSITION. INGERSOLL

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